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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

In re: DIANNE DORMAN	§ Case No. 16-40061-rfn13 (Chapter 13)
	§
OCWEN LOAN SERVICING, LLC as	§
mortgage servicer for DEUTSCHE BANK	§ HEARING DATE: 01/25/2017
NATIONAL TRUST COMPANY, AS	§
TRUSTEE FOR SECURITIZED ASSET	§ TIME: 09:30 AM
BACKED RECEIVABLES LLC TRUST	§
2007-NC1, MORTGAGE PASS-THROUGH	§
CERTIFICATES, SERIES 2007-NC1, its	§ JUDGE RUSSELL F. NELMS
successors and/or assigns, Movant	§
	§
vs.	§

DIANNE DORMAN, DEBTOR AND TIM
TRUMAN, TRUSTEE, RESPONDENTS

**MOTION FOR RELIEF FROM AUTOMATIC STAY AGAINST DEBTOR(S)
REGARDING 100 ASCOT DR. , SOUTHLAKE, TX 76092 AND WAIVER OF THIRTY
DAY REQUIREMENT PURSUANT TO 11 U.S.C. §362(e)**

NOTICE – RESPONSE REQUIRED

PURSUANT TO LOCAL BANKRUPTCY RULE 4001(B), A RESPONSE IS REQUIRED. THE TRUSTEE (IF ONE HAS BEEN APPOINTED) OR THE DEBTOR SHALL FILE A RESPONSE TO ANY MOTION FOR RELIEF FROM AUTOMATIC STAY WITHIN 14 DAYS FROM THE SERVICE OF THE MOTION. THE DEBTOR'S RESPONSE SHALL INCLUDE A DETAILED AND COMPREHENSIVE STATEMENT AS TO HOW THE MOVANT CAN BE ADEQUATELY PROTECTED IF THE STAY IS TO BE CONTINUED. IF THE DEBTOR DOES NOT FILE A RESPONSE AS REQUIRED, THE ALLEGATIONS IN THE CREDITOR'S MOTION FOR RELIEF FROM THE AUTOMATIC STAY SHALL BE DEEMED ADMITTED, UNLESS GOOD CAUSE IS SHOWN WHY THESE ALLEGATIONS SHOULD NOT BE DEEMED ADMITTED, AND AN ORDER GRANTING THE RELIEF SOUGHT MAY BE ENTERED BY DEFAULT.

**FILE WRITTEN RESPONSE WITH THE COURT AT:
ELDON B. MAHON U.S. COURTHOUSE
501 W. 10TH ST.
ROOM 147**

FT. WORTH, TX 76102-3643

HEARING PARTICIPANTS ARE NOTIFIED THAT ABSENT COMPELLING CIRCUMSTANCES, EVIDENCE PRESENTED AT PRELIMINARY HEARINGS IN THE DALLAS DIVISION ON MOTIONS FOR RELIEF FROM THE AUTOMATIC STAY BE BY AFFIDAVIT ONLY. THE PARTY REQUESTING THE HEARING MUST SERVE EVIDENTIARY AFFIDAVITS AT LEAST 7 DAYS IN ADVANCE OF SUCH HEARING; THE RESPONDING PARTY MUST SERVE EVIDENTIARY AFFIDAVITS AT LEAST 48 HOURS IN ADVANCE OF SUCH HEARING.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

OCWEN LOAN SERVICING, LLC as mortgage servicer for DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR SECURITIZED ASSET BACKED RECEIVABLES LLC TRUST 2007-NC1, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-NC1 (“Movant”) hereby moves this Court, pursuant to 11 U.S.C. § 362, for relief from the automatic stay with respect to certain real property of the Debtor(s) having an address of 100 ASCOT DR. , SOUTHLAKE, TX 76092 (the “Property”). The facts and circumstances supporting this Motion are set forth in the Affidavit in Support of Motion for Relief from Automatic Stay filed contemporaneously herewith (the “Affidavit”). In further support of this Motion, Movant respectfully states:

1. A petition under Chapter 13 of the United States Bankruptcy Code was filed with respect to the Debtor(s) on 01/04/2016.

2. The Debtor DIANNE DORMAN AKA DIANNE L. DORMAN has executed and delivered or is otherwise obligated with respect to that certain promissory note referenced in the Motion (the “Note”). The Debtor DIANNE DORMAN AKA DIANNE L. DORMAN has executed and delivered or is otherwise obligated with respect to that certain Security Instrument referenced in the Motion (the " Security Instrument"). Pursuant to that certain Security Instrument referenced in the Motion (the " Security Instrument"), all obligations of the Debtor(s)

under and with respect to the Note and the Security Instrument are secured by the property referenced in the Motion.

3. All rights and remedies under the Deed of Trust have been assigned to the Movant pursuant to that certain assignment of deed of trust, a true and correct copy of which is attached hereto as Exhibit "C".

4. The legal description of the Property is set forth in the Deed of Trust, a copy of which is attached hereto, and such description is incorporated and made a part hereof by reference.

5. Ocwen Loan Servicing, LLC services the loan on the Property referenced in this Motion. In the event the automatic stay in this case is modified, this case dismisses, and/or the Debtor obtains a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of DEUTSCHE BANK NATIONAL TRUST COMPANY, as Trustee for SECURITIZED ASSET BACKED RECEIVABLES LLC TRUST 2007-NC1, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-NC1. Movant, directly or through an agent, has possession of the Note. The Note is either made payable to Movant or has been duly endorsed.

6. As of the 12/15/2016, the amount of the outstanding Obligations is at least \$462,238.68.

7. In addition to the other amounts due to Movant reflected in this Motion, as of the date hereof, in connection with seeking the relief requested in this Motion, Movant has also incurred \$650.00 in legal fees and \$181.00 in costs. Movant reserves all rights to seek an award or allowance of such fees and expenses in accordance with applicable loan documents and related agreements, the Bankruptcy Code and otherwise applicable law.

8. The following chart sets forth those post-petition payments, due pursuant to the terms of the Note, that have been missed by the Debtors as of **12/15/2016**:

Number of Missed Payments	From:	To:	Monthly Missed Principal and Interest	Monthly Missed Escrow (if applicable)	Monthly Payment Amount	Total Amounts Missed
3	02/01/2016	04/01/2016	\$1,390.85	\$287.58	\$1,678.43	\$5,035.29
8	05/01/2016	12/01/2016	\$1,390.85	\$532.37	\$1,923.22	\$15,385.76
Less post-petition partial payments (suspense balance):						(\$0.00)
Total:						\$20,421.05

9. Attached hereto as Exhibit D is a post-petition payment history.

10. Cause exists for relief from the automatic stay for the following reasons:

- (a) Movant's interest in the Property is not adequately protected.
- (b) Post petition payments have not been made to Movant.
- (c) Pursuant to 11 U.S.C. § 362(d)(2)(A), Debtor(s) has/have no equity in the Property; and pursuant to § 362(d)(2)(B), the Property is not necessary for an effective reorganization.

WHEREFORE, Movant prays that this Court issue an Order terminating or modifying the stay and granting the following:

- 1. Relief from the stay allowing Movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property.
- 2. That the Order be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.
- 3. That the 14-day stay described by Bankruptcy Rule 4001(a)(3) be waived.
- 4. In the event that the stay terminates as to the Property and the Property is

foreclosed, i.e., Debtor(s) no longer have title to the Property, Movant is relieved of the requirements set forth in FRBP 3002.1 with respect to the Property. Further, Movant may contact the Debtor by telephone or written correspondence and, at it option, offer, provide and enter into any potential forbearance agreement, loan modification, refinance agreement or other loan workout/loss mitigation agreement regarding said real property.

5. For such other relief as the Court deems proper.

Respectfully submitted,

MACKIE WOLF ZIENTZ & MANN, P.C.

/s/ Chelsea Schneider
Chelsea Schneider
State Bar No.: 24079820
Mackie Wolf Zientz & Mann, P.C.
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ATTORNEY FOR MOVANT

Certificate of Conference and Certificate of Service

The undersigned hereby certifies that on December 12, 2016 Jessica Holt called Opposing Counsels office, informed them of the contents of this motion and a message was left informing Opposing Counsel that this motion would be filed. Furthermore, I hereby certify that a copy of this motion was served on the persons listed below in the manner indicated on 6th of January 2017.

/s/ Chelsea Schneider
Chelsea Schneider

Via Pre-Paid U.S. Mail:

Dianne Dorman
2140 E SOUTHLAKE BLVD

SOUTHLAKE, TX 76092

Debtor(s)

Via ECF:

WILLIAM F. RITTER, IV
CAMPBELL CENTER I-NORTH TOWER
8350 N. CENTRAL EXPWY., SUITE 1310
DALLAS, TX 75206

Attorney for Debtor(s)

Via ECF:

TIM TRUMAN
6851 N.E. LOOP 820, SUITE 300
N RICHLAND HILLS, TX 76180
CHAPTER 13 TRUSTEE

Via ECF:

US TRUSTEE
441 G STREET, NW, SUITE 6150
WASHINGTON, DC 20530